

Docket No.: SONY 3.0-014
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gregory D. Gudorf

Application No.: 09/785,094

Confirmation No.: 5522

Filed: February 16, 2001

Art Unit: 2157

For: METHOD AND SYSTEM FOR REMOTE
ACCESS OF PERSONAL MUSIC

Examiner: H. A. El Chanti

DECLARATION OF CHRISTOPHER M. TOBIN UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Christopher M. Tobin, hereby declare that:

1. I am an attorney admitted to practice in the U.S. Patent and Trademark Office under Reg. No 40,290. I was formerly inside patent counsel in the intellectual property department of Sony Electronics Inc. ("SEL"). At the time, I was the principal contact between SEL and the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP when the firm was retained by SEL to prepare U.S. Patent Application No. 09/785,094 ("the '094 application") filed on February 16, 2001 and U.S. Provisional Patent Application no. 60/203,684 ("the '684 application"), which was filed on May 12, 2000. Both applications are entitled "Method and System for Remote Access of Personal Music."

2. Prior to January 7, 2000, I was contacted by sole inventor, Gregory D. Gudorf, in the SEL legal department as part of the process of determining whether a patent application

should be filed for an invention on a method and system for remote access of personal music. The inventor, Mr. Gudorf provided me a written summary prior to January 7, 2000 for this purpose. Attached as Exhibit A is a true and correct copy of a written summary of the invention that was filed as part of the '684 application. At that time, I reviewed Mr. Gudorf's summary and I also commissioned a firm to conduct a search for prior art so that I could evaluate the invention for patentability purposes.

3. In the time frame from January 7, 2000 through the filing of the '684 application, the intellectual property department of SEL was engaged in a significant amount of patent work on behalf of SEL such that there was typically a backlog. To ensure that work was performed on a diligent basis, SEL utilized a docketing system that permitted work to be performed chronologically. During the time frame of my request for a search on the application, my analysis of the search art to determine whether an application should be filed and the preparation of the application for SEL and Mr. Gudorf, with the assistance of this docketing system, I diligently addressed my work in chronological fashion.

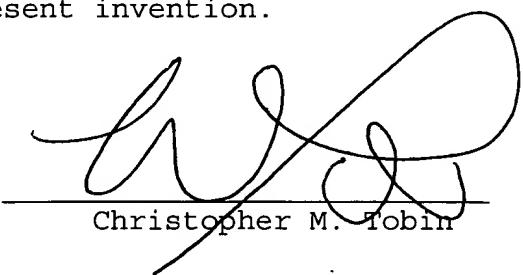
4. The search results from the commissioned search were received by the SEL legal department shortly before January 7, 2000. The search results consisted of ten patent references including U.S. Patent nos. 5,751,672, 5,841,424, 5,860,068, 5,864,868, 5,900,564, 5,930,768, 5,931,901, 5,931,901, 5,959,945, 5,969,283 and 5,986,200. In due course I reviewed the references for purposes of assessing the patentability of Mr. Gudorf's invention. I completed my analysis of these prior art references and the invention of Mr. Gudorf on March 13, 2000. Based on my conclusion on the issue of patentability,

one business day later I wrote to the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP to request that the firm prepare and file a patent application on Mr. Gudorf's invention. Mr. Littenberg of the Lerner, David, Littenberg, Krumholz & Mentlik, LLP. duly responded to my request on March 16, 2000.

5. In view of the above, due diligence was performed by the SEL legal department from at least January 7, 2000 in its determination of patentability until at least the retention of the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP for the purpose of proceeding to prepare and file a patent application on Mr. Gudorf's invention as disclosed in Exhibit A.

6. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, all statements herein were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent which may issue from the present invention.

Date:



Christopher M. Tobin

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Your Music ... Anywhere

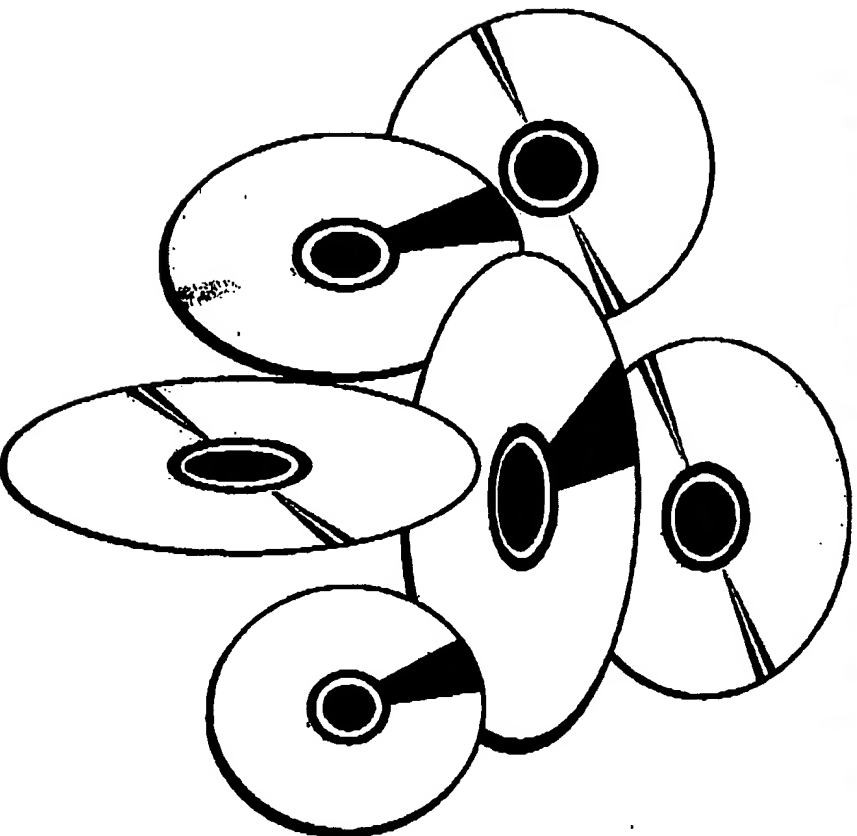
Invention Disclosure Form System Overview

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Your asset ...

- You've built a substantial collection of CD's containing all your favorite music
- the average consumer owns xx CD's
- the average audiophile owns xx CD's

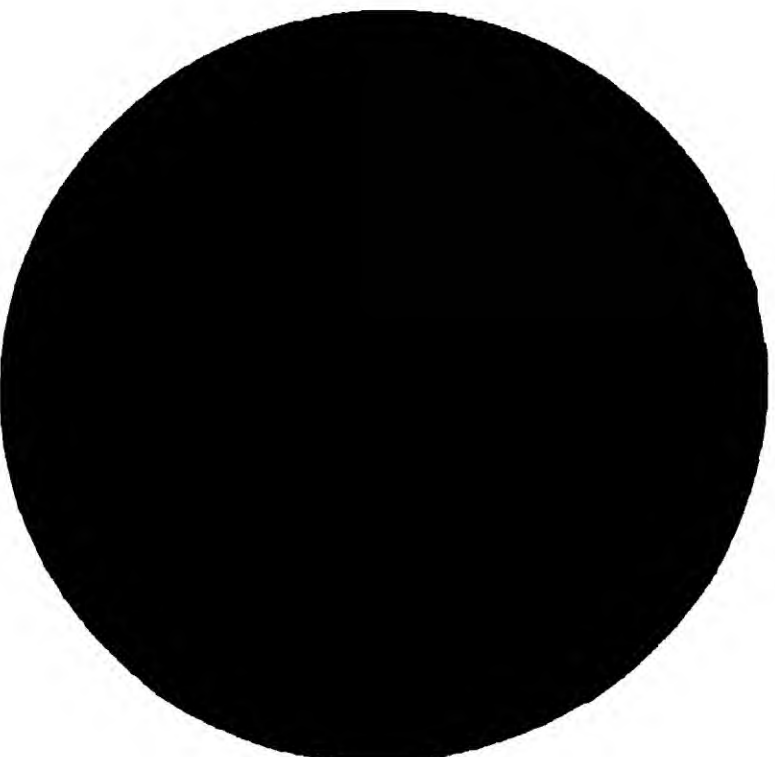


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Your problem ...

- You want to listen to
your music **anywhere**
and **everywhere**
- for the purpose of
playing music on the
go, away from the
home, each year
 - xxMM personal stereos
 - xxMM car audio stereo
head units
- (sold annually)



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Your current solution ...

- Carry your CD's with you wherever you go
 - xxMM carrying cases
 - (sold annually)
- Record from your own collection to a portable medium
 - xxMM blank cassettes
 - xxMM blank MD's
 - (sold annually)

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Insert media art

4

The better solution ...

your music anywhere

- upload your collection to a secure server
- access it from anywhere
- via a new music device connected to the Internet in either a wired or wireless method via streaming or download options

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Your Music Anywhere

■ Step #1

- consumer uploads current music collection
 - via a CD ROM and Net-enabled PC
 - via Net-enabled CD player/changer
 - via Net-enabled upload service business

■ Step #2

- *Your Music Server* processes the upload, checking for security limitations

■ Step #3

- You accesses *Your Music Server* via a qualified Net-enabled device

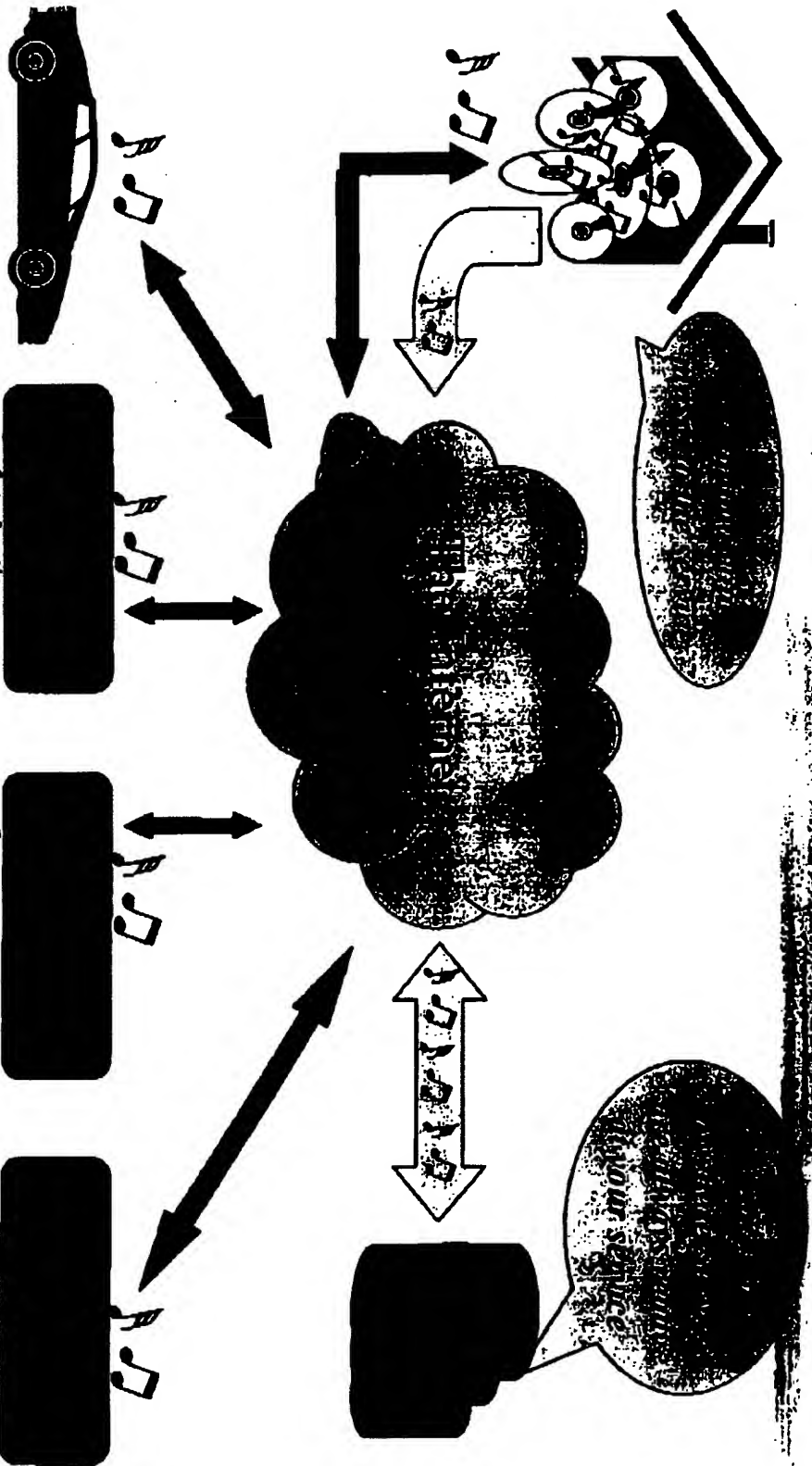
■ Step #4

- *Your Music Server* securely delivers the music in either streaming or download formats as appropriate

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Your Music Anywhere



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You finally get to enjoy all your music wherever you go!
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Your Music Anywhere

■ Business model basics:

┆ Major server-side cost elements

- ┆ xxmb storage per average consumer
- ┆ high bandwidth backbone connection
 - potentially lengthy session times
- ┆ secure operation

┆ Potential revenue options

- ┆ membership fee base
- ┆ micro-pay playback fee base
- ┆ one-time upload fee base
- ┆ audio advertising model delivered with music
- ┆ new music sales based on profiling results
- ┆ new device sales

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